

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

HAYWARD INDUSTRIES, INC.,
Plaintiff, Counterclaim Defendant

v.

BLUEWORKS CORPORATION,
BLUEWORKS INNOVATION
CORPORATION, NINGBO C.F.
ELECTRONIC TECH CO., LTD; NINGBO
YISHANG IMPORT AND EXPORT CO.,
LTD.

Defendants, Counterclaim Plaintiffs.

Civil Action No. 3:20-CV-710 -MOC-DSC

HAYWARD’S MOTION FOR A PERMANENT INJUNCTION

NOW COMES Plaintiff Hayward Industries, Inc. and moves this Honorable Court for a permanent injunction following the jury verdict finding liability against Defendants under the North Carolina Unfair and Deceptive Trade Practices Act and the Lanham Act for false advertising. Hayward now seeks to permanently enjoy such false advertising.

In particular, Hayward seeks to bar Defendants from including in their advertisements the following claims or any claims similar to the following or that convey the same message:

- Defendants’ replacement salt cells are “compatible with” Hayward’s products, including Hayward’s controllers and salt cells;
- Defendants cell plates are “made in the USA” (or similar statements, such as “cell plates [made by] [provided by] USA company” and “cell plates [made by] [provided by] USA manufacturer”);
- “same cell supplier as original” and equivalent statements;
- Defendants’ salt cells are the “same as,” “equivalent to,” “comparable to,” or “direct replacements for” Hayward’s salt cells;
- Defendants’ salt cells are “NSF” certified; and

- Any suggestion that Defendants are the OEM for Hayward's products or that Defendants make Hayward's products.

In addition, Hayward seeks to require Defendants to include in their advertising prominent disclaimers to make clear that Hayward has not endorsed, authorized, or approved Defendants' salt cells for use with Hayward's controllers.

Hayward further moves this Honorable Court for an injunction following the jury verdict on Haywards' copyright claim. In particular, Hayward seeks to prevent Defendants from copying, in whole or in part, Hayward's copyrighted AquaRite® installation manuals.

In support thereof, Hayward submits a memorandum of law contemporaneously herewith.

Counsel for Hayward has conferred with counsel for Defendants regarding this Motion, and Defendants oppose the Motion.

WHEREFORE, Plaintiff Hayward Industries, Inc. moves this Honorable Court for a permanent injunction (i) enjoining Defendants from making false statements in its advertisements; (ii) requiring Defendants to disclaim Hayward's authorization or approval of its products for use with Hayward's controllers; and (iii) enjoining the copying of Hayward's copyrighted works.

Respectfully submitted this the 20th day of March, 2024,

HAYWARD INDUSTRIES, INC.

s/ Russ Ferguson

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